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May 10, 2023

**Via ECF**

Hon. Joan M. Azrack, U.S.D.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: *Agudelo v. Recovco Mortgage Management LLC et al.*, No. 22 Civ. 4004

Dear Judge Azrack:

I submit this pre-motion letter pursuant to your Honor's individual rule IV(B) on behalf of all Parties in this case. The Parties have reached a settlement and are prepared to move for preliminary approval of the settlement and conditional certification of a settlement class. This request is made jointly with all Parties to this action.

The Parties' contemplated preliminary approval motion will request to consolidate four actions – the above-captioned case and three California state class actions – for purposes of the settlement. The attorneys representing Plaintiffs in the three California state class actions consent to the consolidation of the cases for settlement purposes and will file for admission to this Court *pro hac vice* upon preliminary approval being granted.

Plaintiffs plan to file a Third Amended Complaint adding the Plaintiffs, Defendants, and causes of action from the three California class actions in order to consolidate all actions within this District. The Third Amended Complaint will be filed with the consent of all Parties, *conditional upon the Court's grant of preliminary approval*. It will be filed simultaneously with Plaintiffs' preliminary approval papers. Should preliminary approval be denied, or the settlement fail to be effectuated for any other reason, the parties will request that the operative Complaint in this action revert to the Second Amended Complaint, ECF No. 92.

On April 26, 2023, Magistrate Judge Dunst order the above-referenced motion to be filed no later than May 10, 2023,<sup>1</sup> with no further extensions absent good cause. The Parties request that the Court accept this letter in satisfaction of the April 26<sup>th</sup> Order. Alternatively, if the Court deems the Order to require the submission of all pleadings pertaining to the Motion for Preliminary approval of the Settlement, the Parties submit that good cause exists to extend that date until May 19, 2023. This brief extension will not prejudice any Party and will enable the corporate Defendant, which ceased operations in July of 2022, to obtain greater certainty with respect to the timing of the funding of the settlement as it pursues strategies to liquidate its assets.

The corporate Defendant has represented to Plaintiffs that they believe they can work out the remaining issues with the funding schedule by May 17, 2023. The Parties therefore request to file all moving papers and the amended complaint no later than May 19, 2023.

All Parties consent to Plaintiffs seeking all the above-requested relief, so the Parties request that the Court order the proposed briefing schedule in lieu of a pre-motion conference, unless your Honor believes a conference is necessary.

Respectfully submitted,

/s/ Scott Simpson  
Scott Simpson

cc: All counsel (by ECF)

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<sup>1</sup> On May 8, 2023, Magistrate Judge Dunst granted Plaintiffs' request to file an oversize brief of up to forty (40) pages in support of Preliminary Approval. Plaintiffs request that this ruling be adopted for purposes of the motion that will be submitted to your Honor.